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*Designated Counsel for Ignition Switch  
Pre-Closing Accident Plaintiffs*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re:	:	Chapter 11
MOTORS LIQUIDATION COMPANY, et al.,	:	Case No.: 09-50026 (REG)
f/k/a General Motors Corp., et al.,	:	
	:	
Debtors.	:	(Jointly Administered)
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**IGNITION SWITCH PRE-CLOSING ACCIDENT PLAINTIFFS’  
STATEMENT OF ISSUES AND DESIGNATION OF RECORD ON APPEAL**

The Ignition Switch Pre-Closing Accident Plaintiffs,<sup>1</sup> by and through Designated Counsel,<sup>2</sup> submit this Statement of Issues and Designation of Record on Appeal pursuant to Rule 8009(a) of the Federal Rules of Bankruptcy Procedure with respect to their appeal from the Judgment entered by the United States Bankruptcy Court for the Southern District of New York (the “Bankruptcy Court”) on June 1, 2015 [ECF No. 13177] (the “Judgment”) and the Decision

<sup>1</sup> Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Judgment or the Decision. As defined in the Judgment, “Ignition Switch Pre-Closing Accident Plaintiffs” means the subset of the Pre-Closing Accident Plaintiffs that had the Ignition Switch in their Subject Vehicles (each term as defined in the *Agreed and Disputed Stipulations of Fact Pursuant to the Court’s Supplemental Scheduling Order, Dated July 11, 2014*, filed Aug. 8, 2014 [ECF No. 12826], at 3).

<sup>2</sup> Goodwin Procter LLP was engaged by Co-Lead Counsel in *In re: General Motors Ignition Switch Litigation* (14-MD-2543 (JMF)) to address certain issues of bankruptcy law affecting the Ignition Switch Pre-Closing Accident Plaintiffs.

on Motion to Enforce Sale Order issued on April 15, 2015 [ECF No. 13109] (the “Decision”), and respectfully state as follows:

**STATEMENT OF ISSUES**

This appeal by the Ignition Switch Pre-Closing Accident Plaintiffs addresses the following issues:

1. Did the Bankruptcy Court err by entering the Judgment barring the assertion of successor liability claims by the Ignition Switch Pre-Closing Accident Plaintiffs against New GM?

2. Having found that the notice given to the Ignition Switch Pre-Closing Accident Plaintiffs by Old GM of the proposed sale to New GM and the intended effect of the Sale Order on their potential successor liability claims against New GM was constitutionally insufficient for purposes of due process, did the Bankruptcy Court err in holding that the Ignition Switch Pre-Closing Accident Plaintiffs must demonstrate prejudice in order to (i) establish a denial of due process in connection with the entry or enforcement of the Sale Order, or (ii) obtain relief from the enforcement of the Free and Clear Provisions of the Sale Order?

3. Assuming that in order to demonstrate a due process violation with respect to the entry of the Sale Order and the enforcement of the Free and Clear Provisions of the Sale Order to bar successor liability against New GM, the Ignition Switch Pre-Closing Accident Plaintiffs must demonstrate prejudice resulting from the due process notice violation, did the Bankruptcy Court err in holding that the Ignition Switch Pre-Closing Accident Plaintiffs were not prejudiced, including without limitation, by being denied the opportunity (i) to appear and be heard in opposition to the Sale Motion prior to entry of the Sale Order with knowledge of the existence of the Ignition Switch Defect and Old GM’s knowledge of this undisclosed defect, or (ii) to file

claims against the Old GM estate prior to the November 30, 2009 Bar Date and seek a recovery on such claims from the GUC Trust prior to the GUC Trust distributing the majority of its assets to other unsecured creditors of Old GM?

4. Did the Bankruptcy Court err by not providing the Ignition Switch Pre-Closing Accident Plaintiffs with the opportunity for further development of the factual record with respect to the impact of such matters as non-disclosure, fraud, concealment, lack of good faith, inequitable conduct, and collusion upon the issues of (i) whether the Ignition Switch Pre-Closing Accident Plaintiffs were prejudiced by the lack of constitutionally sufficient notice of the impact of the Sale Order upon their rights, and (ii) the appropriate remedy for the due process notice violation found by the Bankruptcy Court?

5. Did the Bankruptcy Court err in failing to consider the allegations of New GM's concealment of the Ignition Switch Defect in connection with the entry or enforcement of the Sale Order?

6. Did the Bankruptcy Court err in applying the judicially created doctrine of equitable mootness to this dispute?

7. Assuming the judicially created doctrine of equitable mootness is applicable to matters other than the mootness of timely appeals from orders confirming plans of reorganization or liquidation, whether the doctrine was appropriately applied in this case to deny any meaningful relief to the Ignition Switch Pre-Closing Accident Plaintiffs on account of their claims against Old GM?

**DESIGNATED ITEMS**

The Ignition Switch Pre-Closing Accident Plaintiffs hereby designate for inclusion in the record on appeal (i) items 1 through 225 designated in the Appellants' Statement of Issues on Appeal and Designation of Items to Be Included in the Record on Appeal [ECF No. 13219], filed by the Ignition Switch Plaintiffs on June 16, 2015, and (ii) the following additional items:

<b><u>Description</u></b>	<b><u>Docket No.</u></b>
1. Notice of Appearance/Notice of Appointment of Goodwin Procter LLP as Designated Counsel for Ignition Switch Plaintiffs in Pre-Closing Accident Lawsuits (with Certificate of Service), filed on October 15, 2014	12955
2. Notice of Submission of Proposed Additional Agreed and Disputed Stipulations of Fact in Connection with Court's Scheduling Order Regarding Motion of General Motors LLC Pursuant to 11 U.S.C. §§ 105 and 363 to Enforce This Court's July 5, 2009 Sale Order and Injunction Against Plaintiffs in Pre-Closing Accident Lawsuits (with Certificate of Service), filed on November 5, 2014	12977

Dated: June 22, 2015

Respectfully submitted,

/s/ William P. Weintraub

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